

**Introduced by Senator Denham**

February 18, 2004

---

An act to add Section 66024.4 to the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1329, as introduced, Denham. Public postsecondary education: increases in tuition and mandatory systemwide fees: Student Protection Act of 2004.

Existing law, known as the Donahoe Higher Education Act, provides for a public postsecondary education system in this state. This system consists of the University of California, the California State University, and the California Community Colleges. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California act by resolution to make them applicable.

Existing law authorizes public postsecondary institutions to require that mandatory systemwide fees, among other charges, be paid by students at these institutions. Existing law authorizes the Trustees of the California State University to administer the campuses that comprise that university and, among other things, to set the level of mandatory systemwide fees paid by the students of that university. Existing provisions of the California Constitution authorize the Regents of the University of California to administer that university and to set the level of tuition and mandatory fees paid by the students of that university. Existing law requires that students attending the various campuses that comprise the California Community Colleges pay a fee of \$18 per unit per semester.

This bill would enact the Student Protection Act of 2004. The bill would express the intent of the Legislature that, when an increase in the tuition or mandatory systemwide fees charged to students attending public postsecondary institutions in this state is enacted, there be a waiting period of at least 90 days between the adoption of the increase and the time at which the student is assessed the increased amount, and no increase in tuition or mandatory systemwide fees exceed 10% of the previous fee or tuition levels in any calendar year.

The bill would require the trustees to effectuate this intent by making an increase in tuition or mandatory systemwide fees operative after no less than 90 days have elapsed from the date of the adoption of the increase and by prohibiting any increase in tuition or mandatory systemwide fee exceeding 10% in any calendar year.

This bill would urge the regents to enact policies that are consistent with the intent of the Legislature expressed in the bill.

This bill would also express the intent of the Legislature that any legislation adopted in the 2003–04 Regular Session or any subsequent session that would increase the \$18 registration fee charged to community college students should contain provisions that are consistent with the intent of the Legislature expressed in the bill.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Student Protection Act of 2004.

3 SEC. 2. Section 66024.4 is added to the Education Code, to  
4 read:

5 66024.4. (a) It is the intent of the Legislature that:

6 (1) When an increase in the tuition or mandatory systemwide  
7 fees charged to students attending public postsecondary  
8 institutions in this state is enacted, there be a waiting period of at  
9 least 90 calendar days between the adoption of the increase and the  
10 time at which the student is assessed the increased amount.

11 (2) No increase in tuition or mandatory systemwide fees may  
12 exceed 10 percent of the previous fee or tuition levels in any  
13 calendar year.



(b) Notwithstanding any other provision of law, in order to effectuate the intent of the Legislature expressed in subdivision (a), the Trustees of the California State University shall, whenever they adopt an increase in the tuition or mandatory systemwide fees charged to the students of the university, make that increase operative after no less than 90 calendar days have elapsed from the date of the adoption of the increase. The trustees may not increase the level of tuition or mandatory systemwide fees by more than 10 percent in any calendar year.

(c) The Legislature urges the Regents of the University of California to enact policies that are consistent with the intent of the Legislature expressed in subdivision (a).

(d) It is the intent of the Legislature that any legislation adopted in the 2003–04 Regular Session, or in any subsequent session, that would increase the registration fee charged to community college students pursuant to Section 76300 should contain provisions that are consistent with the intent of the Legislature expressed in subdivision (a).

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for this act to take effect prior to the commencement of the 2004–05 academic year, it is necessary that this act take effect immediately.

